Supreme Court, U.S.
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No. 05-

IN THE

Supreme Court of the United States

SANDRA SEEGARS, GARDINE HAILES, ABSALOM F. JORDAN, JR., CARMELA B. BROWN, AND ROBERT N. HEMPHILL,
Petitioners,

v.

ALBERTO GONZALES, ATTORNEY GENERAL OF THE UNITED STATES, AND ANTHONY A. WILLIAMS, MAYOR, DISTRICT OF COLUMBIA,
Respondents.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

PETITION FOR A WRIT OF CERTIORARI

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QUESTION PRESENTED

The District of Columbia prohibits the possession of pistols, requires firearms possessed in the home to be unloaded and disabled, and prohibits carrying a pistol in one's dwelling. Petitioners, law-abiding residents of the District, challenged these provisions, which are aggressively enforced, under the Second Amendment to the U.S. Constitution and as beyond the District's statutory authority delegated by Congress. They alleged that, but for these criminal prohibitions, they would forthwith possess pistols in their homes, and would enable their firearms for use and carry them in their homes if threatened by criminal intrusion.

The question is whether plaintiffs alleged sufficient harm, including the threat of arrest and prosecution, to have standing for a pre-enforcement challenge to the District's above criminal prohibitions. This involves two sub-issues. First, does standing exist on the part of persons who will not violate the law unless and until a court invalidates the law, at which time such persons incontestably will forthwith engage in activities the invalidated law proscribes? Second, does standing exist on the part of persons who will violate the law in a dire emergency which may or may not come to pass, but for which a prudent person must take steps to meet?

PARTIES TO PROCEEDING

All parties to the proceeding are identified in the caption and are natural persons. None of the parties are corporations, and hence there is no parent or publicly held company owning 10% or more of the corporation's stock.

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The opinion of the court of appeals, 396 F.3d 1248, is printed in the Appendix ("App.") at 1a. The unreported order denying the petition for rehearing is at App. 12a. The order denying the petition for rehearing *en banc*, with separate statements of Judges Ginsburg, Sentelle, and Williams, is reported at 413 F.3d 1, and is at App. 23a. The unreported order of dismissal by the district court is at App. 32a. The district court's amended memorandum opinion, 297 F. Supp.2d 201, is at App. 32a.

JURISDICTION

On February 8, 2005, the court of appeals rendered judgment affirming in part and reversing in part the judgment of the district court, and rendered an opinion on the same date holding that the plaintiffs did not have standing to bring this action. On June 21, 2005, the court of appeals denied the petition for rehearing and for rehearing *en banc*. This Court has jurisdiction under 28 U.S.C. § 1254(l).

STATUTES AND REGULATIONS

The texts of the following are in the Appendix: U.S. Const., Amend. II; 42 U.S.C. § 1981(a); D.C. Code §§ 1-303.43, 7-2502.01, 7-2502.02, 7-2507.02, 7-2507.06, 22-4504, and 22-4515.